

REMARKS

I. Summary of Office Action

Claims 1-56 are pending in this application. Independent claims 1, 15, 29, and 43 have been amended to more clearly state that the at least one vendor-specific interface element is "associated with a media-on-demand vendor." The amendment is supported at least at page 53, paragraph 0159 of the Application as originally filed. No new matter is added by the amendment.

Claims 43-56 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Claims 1, 6-11, 15, 20-25, 29, 34-39, 43, and 48-53 were rejected under 35 U.S.C. § 102(e) as being anticipated by Wugofski U.S. Patent No. 7,134,133 (hereinafter "Wugofski").

Claims 2-3, 5, 12-14, 16, 17, 19, 26-28, 30, 31, 33, 40-42, 44, 45, 47 and 54-56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wugofski in view of Schowtka U.S. Patent Publication No. 2005/0007382 A1 (hereinafter "Schowtka").

Claims 4, 18, 32, and 46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wugofski in view of Schowtka, in further view of Weinberger et al. Patent No. 7,028,304 (hereinafter "Weinberger").

II. Applicants' Reply to the § 101 Rejection

In response to the § 101 Rejection and Examiner's suggestion, Claims 43-54 have been amended to more clearly state a "computer-readable medium." No new matter is added by the amendment which is supported by the application as originally filed.

III. Applicants' Reply to the § 102(e) Rejection

Claims 1, 6-11, 15, 20-25, 29, 34-39, 43, and 48-53 were rejected under 35 U.S.C. § 102(e) as being anticipated by Wugofski. This rejection is respectfully traversed.

Independent claims 1, 15, 29, and 43 are directed towards methods and systems for providing a media-on-demand display screen using an interactive television application implemented on user equipment. The methods and systems comprise retrieving an interface template and at least one vendor-specific interface element associated with a media-on-demand vendor. The at least one vendor-specific interface element may then be incorporated into the interface template. The methods and systems also comprise displaying a media-on-demand display screen that is associated with the vendor, wherein the display includes the interface template and the incorporated interface element.

Wugofski only teaches providing a broadcast template for an electronic programming guide (EPG). More particularly, Wugofski states that the "broadcast EPG template is the primary means for station broadcasters to manage their consumers' viewing" (See Wugofski, col. 7 lines 3-6). Wugofski clearly only describes EPG templates associated with broadcast sources such as "information for various networks, or broadcast stations, and services...such as ABC, CBS, CNN, Pay-Per-View Information, Broadcast Internet information, URLs, etc." (See Wugofski, col. 8 lines 12-18).

In contrast, the present application refers to on-demand media associated with media-on-demand vendors such as, for example, "Starz, HBO, Showtime, etc." (See Application, page 53 line 18). On-demand media is very different than broadcast media because on-demand media is streamed to a particular user equipment device upon user demand as opposed to being broadcast

to a plurality of user equipment devices based on a pre-defined schedule. Amended base claim 1 recites "retrieving at least one vendor-specific interface element associated with a media-on-demand vendor" that Wugofski simply does not teach. It follows that Wugofski also does not teach "displaying a media-on-demand display screen that is associated with the vendor" as recited in base claim 1.

Because Wugofski does not teach or suggest "retrieving at least one vendor-specific interface element associated with a media-on-demand vendor" or "displaying a media-on-demand display screen," Wugofski does not teach or suggest all of the elements of amended base claim 1. Therefore, the § 102 Rejection of amended base claim 1 should be withdrawn.

Although their scope may be different, for at least the foregoing reasons, applicants submit that the § 102 Rejection of base claims 15, 29, and 43 should also be withdrawn. The § 102 Rejection of dependent claims 6-11, 20-25, 34-39, 48-53, which contain all the limitations of independent claims 1, 15, 29, and 43, should further be withdrawn.

IV. Applicants' Reply to the § 103(a) Rejections

Claims 2-3, 5, 12-14, 16, 17, 19, 26-28, 30, 31, 33, 40-42, 44-45, 47, and 54-56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wugofski in view of Schowtka. Claims 4, 18, 32, and 46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wugofski, in view of Schowtka, in further view of Weinberger. These rejections are respectfully traversed.

Schowtka is directed toward "systems and methods for combining identified images and layouts into electronic product templates for displaying to a user" (See Schowtka, abstract).

Weinberger is directed toward a system "used to manage communication over a network between the system server and a

plurality of physical devices of a passenger entertainment system" (See Weinberger, abstract). Line replaceable units may "detect newly downloaded data inconsistent with the physical aircraft configuration" (See Weinberger, col. 20 lines 41-45).

A. Rejection using Wugofski, in view of Schowtka

The Examiner concedes that Wugofski does not disclose all attributes of the interface template and/or the vendor-specific interface element as described by dependent claims, 2-3, 5, 12-14, 16, 17, 19, 26-28, 30, 31, 33, 40-42, 44-45, 47, and 54-56. The Examiner attempts to make up for this deficiency in Wugofski using Schowtka. As discussed above with regard to independent claims 1, 15, 29, and 43, Wugofski does not teach or suggest retrieving at least one vendor-specific interface element associated with a media-on-demand vendor or a media-on-demand display screen, as required by applicants' independent claims 1, 15, 29, and 43. The addition of Schowtka still does not teach or suggest a retrieving a vendor-specific interface element associated with a media-on-demand vendor or media-on-demand display screen. Schowtka does not teach any display screen using an interactive television application or retrieving any vendor-specific interface element.

Because all of the claim limitations of independent claims 1, 15, 29, and 43 are not taught or suggested by the combination of Wugofski and Schowtka, there is no *prima facie* case of obviousness and, therefore, the § 103 Rejection of base claims 1, 15, 29, and 43 should be withdrawn. In fact, the combination would only result in a broadcast EPG template as disclosed by Wugofski combined with the template design disclosed by Schowtka. This combination does not teach or suggest a media-on-demand display screen or retrieving a vendor-specific interface element associated with a media-on-demand vendor as required by applicants' independent claims 1, 15, 29,

and 43.

For at least the foregoing reasons, applicants submit that independent claims 1, 15, 29, and 43 are allowable over Wugofski, in view of Schowtka. Dependent claims 2-3, 5, 12-14, 16, 17, 19, 26-28, 30, 31, 33, 40-42, 44-45, 47, and 54-56, which contain all the limitations of independent claims 1, 15, 29, and 43, are allowable for at least the same reasons.

B. Rejection using Wugofski, in view of Schowtka, in further view of Weinberger

The Examiner has also rejected claims 4, 18, 32, and 46 under 35 U.S.C. § 103(a) as being unpatentable over Wugofski, in view of Schowtka, in further view of Weinberger.

Because Weinberger does not make up for the deficiencies of Wugofski and Schowtka as discussed above with respect to independent claims 1, 15, 29, and 43 and dependent claims 2-3, 5, 12-14, 16, 17, 19, 26-28, 30, 31, 33, 40-42, 44-45, 47, and 54-56, the combination of Wugofski, Schowtka, and Weinberger does not teach all of the elements of claims 4, 18, 32, and 46. Namely, the combination does not teach or suggest a media-on-demand display screen or retrieving a vendor-specific interface element associated with a media-on-demand vendor. Therefore, there is no *prima facie* case of obviousness and the § 103 Rejection of these claims should be withdrawn.

VII. Conclusion

Applicants respectfully submit that this application is in condition for allowance. Prompt consideration and allowance of this application are respectfully requested.

Respectfully submitted,

/Gall C. Gotfried/

Gall C. Gotfried
Registration No. 58,333
Agent for Applicants
Ropes & Gray LLP
Customer No. 75563